

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

BRYAN WAYNE DAVENPORT,)
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Plaintiff)
)
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vs.) No. CIV-20-358-C
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BECKY PATA, et al.,)
)
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Defendants)

O R D E R

Plaintiff filed the present action pursuant to 42 U.S.C. § 1983 asserting actions of Defendants violated his constitutional rights. Pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B), the matter was referred to United States Magistrate Judge Amanda Maxfield Green. Judge Green has issued two order which are relevant here. The first denied Plaintiff's request for leave to amend his complaint. The second was a Report and Recommendation ("R&R") recommending denial of Plaintiff's request for preliminary injunction. Plaintiff has filed a single document objecting to both.

Plaintiff argues that Judge Green erred in denying his request for leave to amend. The Court considers this objection under the clearly erroneous standard. See 28 U.S.C. § 636(b)(1)(A). Plaintiff filed a request to file an amended complaint. He did not include a proposed amended complaint. Judge Green entered an Order setting a deadline for submission of the proposed amended complaint. Plaintiff did not comply with the deadline until nearly three months later. Under these facts, Judge Green's Order denying leave to amend cannot be said to be clearly erroneous.

As noted above, Judge Green also entered a R&R recommending denial of Plaintiff's request for a preliminary injunction. Plaintiff's pleading purports to object to the R&R. However, Plaintiff offers no factual or legal argument demonstrating any error in the R&R. Indeed, other than noting he is objecting to the R&R, Plaintiff offers no meaningful discussion of error in that document. Accordingly, the Court adopts the R&R in full.

As set forth more fully herein, the Court finds the Order denying leave to amend (Dkt. No. 125) is not clearly erroneous and so DENIES Plaintiff's Objection (Dkt. No. 129). Additionally, the Court adopts, in full, the Report and Recommendation of the Magistrate Judge (Dkt. No. 126). This matter is recommitted to Judge Green for further proceedings consistent with the original order of referral.

IT IS SO ORDERED this 14th day of March 2022.



ROBIN J. CAUTHRON
United States District Judge